



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Dentistry

124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102

**VIA CERTIFIED (RRR) AND REGULAR MAIL**



JOHN J. HOFFMAN  
Acting Attorney General

ERIC T. KANEFSKY  
Director

December 13, 2013

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 1-17-14 DA

Mailing Address:  
P.O. Box 45005  
Newark, NJ 07101  
(973) 504-6405

Lon J. Rosen, D.D.S.  
855 Springfield Avenue  
Irvington, New Jersey 07111

Re: Settlement Letter in Lieu of Formal Disciplinary Action  
Complaint #85044

Dear Dr. Rosen:

The New Jersey State Board of Dentistry has completed its review of information alleging that your dental office in Irvington, New Jersey, was maintained in an unsanitary manner. The Board has reviewed the report of an inspection of that dental office on June 7, 2012, by the Division of Consumer Affairs Enforcement Bureau, and your response to the Board's July 1, 2013 letter in which you explain how you have remedied the Board's concerns.

Based upon this review, it appears to the Board that the inspection revealed that renovations were being made to the office to remedy a mold problem, and that there were expired vials of lidocaine and epinephrine and an expired inhaler pump.

While these acts may be sufficient to initiate formal disciplinary proceedings, the Board is satisfied that you have remedied the conditions in your Irvington office that gave rise to the complaint. Therefore, the Board is offering you an opportunity to settle this matter, by your agreeing to:

1. Provide the Board with a list of steps that you have put in place to assure that your office is maintained in a clean and sanitary fashion and meets State and federal requirements and guidelines for compliance with CDC and OSHA standards. That report shall be filed by January 15, 2014. Further, on December 1, 2014 and on December 1, 2015, you will provide a report to the Board affirming that you are in compliance with such standards and providing photographs of your office at that time as well as proof of a current medical waste manifest and testing results for sterilization equipment.
2. Pay \$1200 toward costs incurred by the Board for the inspection of your office.

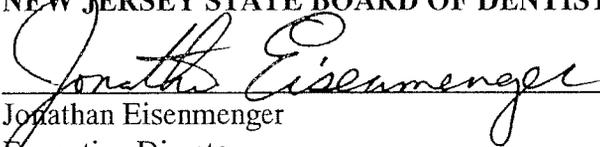
If you are willing to settle this matter on the offered settlement terms, please sign the acknowledgment at the bottom of this letter, and return it to the Board office. Payment of the Board's costs may be paid by a check or money order, payable to the "State of New Jersey - Board of Dentistry," and submitted to the Board office. Note that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

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In the event you decline the Board's offer, the matter will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In that event, you will be given an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed and the allegations proven, the Board may assess civil penalties, and/or the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer, please contact Deputy Attorney General Nancy Costello Miller, who may be reached at (973) 648-2500.

If you choose to settle, please sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

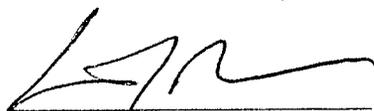
Yours very truly,  
**NEW JERSEY STATE BOARD OF DENTISTRY**  
  
Jonathan Eisenmenger  
Executive Director

cc: Nancy Costello Miller, Deputy Attorney General

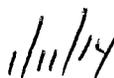
**ACKNOWLEDGMENT:** I, Dr. Lon Rosen, acknowledge that I have read and reviewed the settlement proposal set forth in this letter. I acknowledge the conditions that gave rise to the complaint. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges at an administrative hearing. I am aware that this Settlement Letter is a matter of public record, and that this letter is a public document. I agree to:

1. Provide the Board with a list of steps that I have put in place to assure that my Irvington office is maintained in a clean and sanitary fashion and meets State and federal requirements and guidelines for compliance with CDC and OSHA standards. That report shall be filed by January 15, 2014. Further, on December 1, 2014, and on December 1, 2015, I agree to provide a report to the Board affirming that I am in compliance with such standards and providing photographs of my Irvington office at that time as well as proof of a current medical waste disposal manifest and testing for sterilization equipment.

2. Pay \$1200 toward the costs incurred by the Board for its investigation. Payment shall be made by a check or money order, payable to the "State of New Jersey - Board of Dentistry," and be submitted to the Board office. I will make the first payment of \$600 not later than January 15, 2014, and the second payment of \$600 not later than February 15, 2014.



Lon J. Rosen, D.D.S.



Date